

By: Romero, Jr.

H.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Texas conditional driver's permit,
provisional Texas conditional driver's permit, and Texas
conditional instruction permit; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 521, Transportation Code, is amended by
adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. TEXAS CONDITIONAL DRIVER'S PERMIT

Sec. 521.231. ELIGIBILITY. The department may issue a
Texas conditional driver's permit to a person who:

(1) as of the date the permit is issued, has resided in
this state for at least one year;

(2) is ineligible to obtain a social security number;

(3) has an individual taxpayer identification number
issued by the Internal Revenue Service;

(4) is unable to present to the department
documentation issued by the United States agency responsible for
citizenship and immigration authorizing the person to be in the
United States;

(5) has not been finally convicted of a felony
offense; and

(6) regardless of the person's age, has completed a
driver education course required by Section 521.1601 and an
examination required by Section 521.161.

1 Sec. 521.232. TEXAS CONDITIONAL DRIVER'S PERMIT
2 REQUIREMENTS. (a) A Texas conditional driver's permit issued
3 under this subchapter is valid as proof of the permit holder's
4 identity for driving purposes only. The permit is not valid as
5 proof of the permit holder's identity for any other state purpose or
6 for any federal purpose.

7 (b) The department shall:

8 (1) designate and clearly mark as a Texas conditional
9 driver's permit each permit issued under this subchapter;

10 (2) designate and clearly mark as a provisional Texas
11 conditional driver's permit each permit issued under this
12 subchapter to a person who is at least 16 years of age but younger
13 than 18 years of age;

14 (3) include on a permit issued under this subchapter
15 an indication that the permit is valid proof of identity for driving
16 purposes only, and is not valid as proof of identity for any other
17 state purpose or for any federal purpose; and

18 (4) design the Texas conditional driver's permit to
19 appear substantially different from the design of a driver's
20 license.

21 (c) Except as otherwise provided by this chapter, a person
22 who holds a Texas conditional driver's permit is subject to the laws
23 of this state applicable to the holder of an original or duplicate
24 driver's license.

25 (d) Except as otherwise provided by this chapter, an
26 applicant for a Texas conditional driver's permit who is at least 16
27 years of age but younger than 18 years of age is subject to the laws

of this state applicable to a holder of a provisional license.

(e) The department shall adopt rules:

(1) regarding the design and content of the Texas conditional driver's permit;

(2) establishing criteria for proof of identification and residency of an applicant;

(3) designating acceptable evidence that an applicant is not eligible for a social security number;

(4) requiring a check of state and national criminal history record information to determine whether an applicant is eligible for a permit under Section 521.231(5); and

(5) regarding the issuance of Texas conditional instruction permits.

Sec. 521.233. APPLICATION. (a) An application for a Texas conditional driver's permit must state the applicant's full name and place and date of birth. This information must be verified by presentation of:

(1) a current passport or consular document issued to the applicant by the country of which the applicant is a citizen; or

(2) another identification document the department determines by rule is acceptable as proof of the information.

(b) The application must include:

(1) a complete electronic set of the applicant's fingerprints;

(2) a photograph of the applicant;

(3) the signature of the applicant;

(4) a brief description of the applicant;

1 (5) any information necessary to perform a criminal
2 history background check on the applicant; and

3 (6) evidence that the applicant has resided in this
4 state for at least one year.

5 (c) The application must state:

6 (1) the sex of the applicant;

7 (2) the residence address of the applicant;

8 (3) whether the applicant has been licensed to drive a
9 motor vehicle before;

10 (4) if previously licensed:

11 (A) when and by what state or country;

12 (B) whether that license has been suspended or
13 revoked or a license application denied; and

14 (C) the date and reason for the suspension,
15 revocation, or denial; and

16 (5) the county of residence of the applicant.

17 (d) Regardless of the applicant's age, the application must
18 state whether the applicant has completed a driver education course
19 required by Section 521.1601 and an examination required by Section
20 521.161.

21 (e) The application must be accompanied by evidence of
22 financial responsibility that complies with Subchapter D, Chapter
23 601, and is prepaid and valid for at least a six-month period, or by
24 a statement that the applicant does not own a motor vehicle for
25 which evidence of financial responsibility is required under
26 Chapter 601. The department may require an application for a
27 renewal of a conditional driver's permit to be accompanied by

1 evidence of financial responsibility or a statement that the
2 applicant does not own a motor vehicle for which evidence of
3 financial responsibility is required under Chapter 601.

4 (f) Evidence of financial responsibility presented under
5 this section must comply with the requirements of Section 521.143.

6 (g) The application must include any other information the
7 department requires to determine the applicant's identity,
8 residency, competency, and eligibility as required by the
9 department or state law.

10 (h) Information supplied to the department relating to an
11 applicant's medical history is for the confidential use of the
12 department and may not be disclosed to any person or used as
13 evidence in a legal proceeding other than a proceeding under
14 Subchapter N. This subsection does not apply to information
15 provided by an applicant under Subsection (i).

16 (i) The application must provide space for the applicant to
17 voluntarily list any health condition that may impede communication
18 with a peace officer as evidenced by a written statement from a
19 licensed physician.

20 (j) Information supplied to the department relating to the
21 applicant's criminal history is for the confidential use of the
22 department and may not be disclosed to any person or used as
23 evidence in a legal proceeding, including an immigration
24 proceeding.

25 Sec. 521.234. FEES. The department shall set the amount of
26 the fee for:

27 (1) issuance or renewal of a Texas conditional

1 driver's permit; and

2 (2) issuance of a provisional Texas conditional
3 driver's permit and Texas conditional instruction permit.

4 Sec. 521.235. EXPIRATION. (a) Each Texas conditional
5 driver's permit issued under this subchapter expires one year after
6 the date of issuance.

7 (b) Each provisional Texas conditional driver's permit and
8 Texas conditional instruction permit issued under this subchapter
9 expires on the 18th birthday of the permit holder.

10 SECTION 2. Not later than January 1, 2020, the Department of
11 Public Safety of the State of Texas shall:

12 (1) adopt the rules necessary to implement Subchapter
13 K-1, Chapter 521, Transportation Code, as added by this Act; and

14 (2) create the application form required by Section
15 521.233, Transportation Code, as added by this Act.

16 SECTION 3. This Act takes effect September 1, 2019.